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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

INTERNATIONAL
METAPHYSICAL MINISTRY, INC.,
an Arizona corporation,

Plaintiff,

vs.

WISDOM OF THE HEART
CHURCH, a California non-profit
company d/b/a THE UNIVERSITY
OF METAPHYSICAL SCIENCES;
and various unknown and/or fictional
individuals and entities

Defendants.

No. 4:21-cv-08066-KAW

**NOTICE OF ERRATA TO
EXHIBIT “7” TO THE
DECLARATION OF
VALERIE F. HORN IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

TIME: TBD
DATE: JULY 20, 2023
COURTROOM: TBD

Defendant Wisdom of the Heart Church dba University of Metphysical
Sciences hereby submits its Notice of Errata to correct Exhibit “7” to the
Declaration of Valerie F. Horn [Dkt. 146-2], which erroneously omitted certain
pages to that Exhibit. Accordingly, attached hereto as Exhibit “7” is a corrected
Exhibit “7” to the Declaration of Valerie F. Horn.

1 DATED: May 22, 2023

VALERIE F. HORN & ASSOCIATES
A PROFESSIONAL LAW CORPORATION

2
3 /s/ Valerie F. Horn

4 BY: _____
Valerie F. Horn

Exhibit “7”

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL METAPHYSICAL
MINISTRY, INC., an Arizona
corporation,

Plaintiff,

v.

WISDOM OF THE HEART CHURCH, a
California non-profit company
d/b/a THE UNIVERSITY OF
METAPHYSICAL SCIENCE; and
various unknown and/or fictional
individuals and entities,

Defendants.

Case No.
4:21-cv-08066-KAW

VIDEOCONFERENCE DEPOSITION OF

MICHELLE BEHR

Thursday, June 16, 2022
Sedona, Arizona

Reported by: Keren M. Guevara, CSR No. 12478

1 MR. GOODMAN: Foundation.

2 THE WITNESS: Valerie, these are legal
3 technical questions for my counsel. And my
4 understanding is that we have had the rights because
5 the -- Dr. Masters had a trust. The trust put
6 everything to IMM.

7 Everything that went on between that, I only
8 was -- became aware of the actual expiration of the
9 trade after -- after it had expired, and then
10 immediately we put into motion to get that taken care
11 of.

12 So, in my understanding, we had full right.

13 BY MS. HORN:

14 Q So, now I want to talk about -- I want to talk
15 about University of Metaphysics. Okay? I'm going to
16 now switch over, and we're going to talk about that
17 mark. Okay?

18 A Okay.

19 Q All right. So, I looked at these records
20 today at 8:52 a.m., and it says -- do you recognize
21 this, University of Metaphysics?

22 Is that a registered mark that you're claiming
23 IMM owns?

24 A Yes.

25 MR. GOODMAN: Form.

1 BY MS. HORN:

2 Q So, do you have any understanding of what it
3 means for the registration to be dead?

4 A Not 100 percent legal -- can you -- legal.
5 Can you actually explain it to me?

6 Q Well, I'm asking you for your knowledge. I
7 don't -- I don't -- I just -- I'm not going to -- I
8 don't -- it's not necessary for me to -- for purposes of
9 my interrogation. It's not necessary for me to get into
10 that explanation. Your lawyer will do that, I'm sure.
11 I'm just asking for your lay knowledge, and if you don't
12 know, then it's fine to just say, I don't know.

13 A Okay. I don't know.

14 Q Very good. Thank you.

15 So, now, I'm going to go to the settlement
16 agreement, which is marked as Exhibit 21.

17 Ma'am, have you ever seen this document
18 before?

19 A Yes.

20 Q So, I think we've established that you claim
21 that at the time the settlement agreement was entered
22 into, the trust was the owner of the four mark --
23 alleged four registered marks at issue. Is that
24 correct?

25 A Correct.

1 Q So, when it says here, Defendant agrees not to
2 use any of Plaintiffs' registered marks. And Plaintiffs
3 are referred to as International Metaphysical Ministry
4 and the Paul Leon Masters Living Trust.

5 Is it your testimony that at the time that
6 this agreement was entered into, that the trust was the
7 owner of the four registered marks?

8 A Yes.

9 Q So -- and in this litigation -- and, so -- so,
10 your testimony is that International Metaphysical
11 Ministry was not the owner of the registered marks at
12 the time -- those four registered marks at the time that
13 the settlement agreement was entered into, correct?

14 MR. GOODMAN: Foundation.

15 THE WITNESS: My understanding was that it was
16 at the time that we signed the settlement agreement.

17 BY MS. HORN:

18 Q Well, you just told me that you thought it
19 was -- it was the trust that was the owner of the four
20 registered marks at the time that the settlement
21 agreement was entered into, correct?

22 A Yes. But we have --

23 Q Okay. Do you remember -- wait. Wait.
24 Do you remember that testimony?

25 A Yes.

1 did state earlier that it was my understanding that the
2 settlement agreement was signed through the trust and
3 the International Metaphysical Ministry. And then you
4 said, no, it was not. And then you showed me at the
5 bottom that it was. So, maybe I did not understand the
6 question.

7 Q Okay. Let's try to clear it up. I don't want
8 to confuse you. And I apologize if I did.

9 A Okay.

10 Q Okay. So, at the time -- you testified that
11 at the time that the settlement agreement was entered
12 into --

13 A Uh-huh.

14 Q -- that the trust was the owner of the
15 registered mark, correct?

16 A At the time of the settlement agreement, it
17 was my understanding that the trust and International
18 Metaphysical Ministry both co-signed the agreement. So
19 that was my understanding.

20 MS. HORN: Okay. Move to strike as
21 nonresponsive.

22 BY MS. HORN:

23 Q You testified that at the time that the
24 agreement was entered into in September 9, 2019, that
25 the owner of the four registered marks at issue was the

1 trust.

2 Do you remember that testimony?

3 A Yes.

4 Q Okay. So, the owner of the four registered
5 marks at the time that the settlement agreement was
6 entered into was not International Metaphysical
7 Ministry, correct?

8 A Correct.

9 Q Okay.

10 A Now I understand the question. I'm sorry.
11 I'm sorry, Valerie, but I need to be clear, so --

12 Q Absolutely.

13 Do you want to take a short break now?

14 A Sure. That will be great.

15 MR. GOODMAN: I think that will be a good
16 idea. It's been about an hour and a half.

17 MS. HORN: We'll take a short break right now.
18 Yeah. We'll take a short break, reconvene in ten
19 minutes. Is that good?

20 MR. GOODMAN: That's great.

21 MS. HORN: Okay. Thank you.

22 (Recess was taken.)

23 BY MS. HORN:

24 Q Okay. Michelle, thank you for promptly coming
25 back.

1 Do you see that?

2 A I do.

3 Q Okay. So, you're claiming in your lawsuit
4 that UMS violated a registered trademark that IMM did
5 not own at the time of entering into the settlement
6 agreement, correct?

7 MR. GOODMAN: Form and foundation.

8 THE WITNESS: They did violate using our trade
9 marks, international Metaphysical Ministry, University
10 of Sedona, and University of Metaphysics. Those are the
11 names that we operate under, and they have no right to
12 use our trademark names in any of their advertising, and
13 they have violated that.

14 MS. HORN: Okay. Move to strike as
15 nonresponsive.

16 BY MS. HORN:

17 Q Ma'am, can you -- I'm going to try to
18 breakdown the question.

19 So, in your complaint, you're alleging that
20 UMS violated a registered trademark that IMM did not own
21 at the time of the settlement agreement, correct?

22 MR. GOODMAN: Foundation.

23 THE WITNESS: We do own it. It's just that it
24 had lapsed.

25

REPORTER CERTIFICATE

COUNTY OF SAN DIEGO,)

STATE OF CALIFORNIA,)

I, Keren M. Guevara, Certified Shorthand Reporter licensed in the State of California, License No. 12478, hereby certify that the foregoing proceeding was reported by me and was thereafter transcribed with Computer-Aided Transcription; that the foregoing is a full, complete, and true record of said proceeding; that request: [] was [X] was not made to read and correct said deposition.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceeding and caption named or in any way interested in the outcome of the cause in said caption.

The dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificates null and void.

In witness whereof, I have hereunto set my hand this day:

KEREN M. GUEVARA
CSR No. 12478

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 22, 2023, a true and correct copy of -

**1. DEFENDANT WISDOM OF THE HEART CHURCH'S
NOTICE OF ERRATA TO EXHIBIT "7" TO THE
DECLARATION OF VALERIE F. HORN**

- was served via electronic mail on counsel for the Plaintiff:

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xx FEDERAL: I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on May 22, 2023, at Los Angeles, California.

/s/ Valerie F. Horn

Valerie F. Horn